

Issued April 30, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2241.

(Given pursuant to section 4 of the Food and Drugs Act.)

**ADULTERATION AND MISBRANDING OF VANILLA FLAVOR (BAKERS),
GINGER EXTRACT (JAMAICA), VANILLA EXTRACT (SPECIAL A),
CASSIA EXTRACT, VANILLA EXTRACT (BOSTON), LEMON EXTRACT
(BAKERS), AND VANILLA EXTRACT (SUPERIOR ICE CREAM); AND
MISBRANDING OF PISTACHIO EXTRACT.**

On November 8, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Emil I. Mayer, trading and doing business under and by the name of the Cincinnati Extract Works, of Cincinnati, Ohio, alleging shipment by him, in violation of the Food and Drugs Act, on February 6, 1912, from the State of Ohio into the State of Tennessee—

(1) Of a quantity of vanilla flavor which was adulterated and misbranded. The product was labeled: "Vanilla Flavor 'Bakers'." (In much smaller type) "A Compound of Vanilla Extract, Vanillin and Coumarin." "The Cincinnati Extract Works Co., Manufacturing Chemists, Cincinnati, Ohio, U. S. A."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol (per cent by volume), 35.70; solids (grams per 100 cc.), 12.00; vanillin, 0.32 per cent; coumarin, 0.109 per cent; color, caramel; resins, fair; lead number, 0.037. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, an imitation flavor of vanilla prepared from a small amount of vanilla extract, vanillin, and coumarin, and artificially colored with caramel, was mixed and packed as, for, and with the product so as to reduce, lower, and injuriously affect its quality and strength; and in that said sub-

stances were substituted for genuine vanilla flavor which the article by its label purported to be; and further, in that the product, being of inferior quality, was artificially colored with caramel in a manner whereby such inferiority was concealed, to wit, in a manner simulating the appearance of a genuine vanilla flavor. Misbranding was alleged for the reason that the label and brand on the article bore statements regarding it and the ingredients and substances contained therein, which statements, to wit, "Vanilla Flavor," in large type, followed by the words in much smaller type, "A Compound of Vanilla Extract, Vanillin and Coumarin," were false, misleading, and deceptive in that said statement conveyed the impression that the product was a genuine vanilla flavor or extract, whereas, in fact, it was an imitation vanilla extract prepared from a small amount of vanilla extract, vanillin, and coumarin, artificially colored with caramel, and the statement of its true character was made in type insufficient to correct the impression conveyed by the statement "Vanilla Flavor," in more prominent type. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that the label and brand was calculated and intended to convey the impression and create the belief in the mind of the purchaser thereof that the product was a genuine vanilla flavor, whereas, in fact, it was a mixture of a small amount of vanilla extract with vanillin and coumarin and was artificially colored with caramel.

(2) Of a quantity of ginger extract which was adulterated and misbranded. The product was labeled: "Ginger Extract-Jamaica. The Cincinnati Extract Works, Manufacturers, Cincinnati, Ohio, U. S. A."

An analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity, 0.9368; alcohol (per cent by volume), 51.2; total solids (grams per 100 cc), 2.19; alcohol-soluble solids (grams per 100 cc), 0.65; water-soluble solids (grams per 100 cc), 1.75; test for ginger, positive; test for capsicum, positive; color, caramel. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a compound of ginger extract and capsicum, was mixed and packed as, for, and with the article so as to reduce, lower, and injuriously affect its quality and strength, and in that said substance was substituted for genuine ginger extract, which said article of food by its label purported to be. Misbranding was alleged for the reason that the label and brand on the product bore a statement regarding it and the ingredients and substances contained therein which statement, to wit, "Ginger Extract-Jamaica," was false, misleading, and deceptive in that said statement conveyed the impression that the product was pure extract

of Jamaica ginger, whereas, in fact, it was a mixture of ginger extract and capsicum. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that the label was calculated and intended to convey the impression and create the belief in the mind of the purchaser thereof that the product was a pure extract of Jamaica ginger, whereas, in fact, it was a mixture of ginger extract and capsicum.

(3) Of a quantity of vanilla extract which was adulterated and misbranded. The product was labeled: (In prominent type) "Vanilla Extract, Special A." (In very much smaller type) "A Compound of Vanilla Extract, Vanillin and coumarin. The Cincinnati Extract Works Co., Manufacturing Chemists, Cincinnati, Ohio, U. S. A."

An analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol (per cent by volume), 48.40; lead number, 0.07; vanillin, 0.28 per cent; coumarin, 0.06 per cent; resins, slight; caramel, present. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a compound of vanilla extract, vanillin, and coumarin, artificially colored with caramel, was mixed and packed as, for, and with the product so as to reduce, lower, and injuriously affect its quality and strength, and in that said substance was substituted for genuine vanilla extract, which the product by its label purported to be; and further, in that the product being of inferior quality, was artificially colored with caramel in a manner whereby such inferiority was concealed, to wit, in a manner simulating the appearance of a genuine vanilla extract. Misbranding was alleged for the reason that the label and brand on the product bore statements regarding it and the ingredients and substances contained therein, which said statement, to wit, "Vanilla Extract, Special A," in prominent type, followed by the words in much smaller type, "A compound of Vanilla Extract, Vanillin and Coumarin," were false, misleading, and deceptive, in that said statements conveyed the impression that the product was a genuine vanilla extract, whereas, in fact, it was a mixture of vanilla extract, vanillin, and coumarin, and artificial coloring matter, and the statement of its true character was made in type insufficient to correct the impression created by the words "Vanilla Extract, Special A," which were in prominent type. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that said label was calculated and intended to convey the impression and create the belief in the mind of the purchaser thereof that the product was a

genuine extract, whereas, in fact, it was a mixture of vanilla extract, vanillin, and coumarin, artificially colored with caramel.

(4) Of a quantity of cassia extract which was adulterated and misbranded. The product was labeled: Cassia Extract.—Artificially Colored.—The Cincinnati Extract Works, Manufacturers, Cincinnati, Ohio, U. S. A.”

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Oil (by modified Howard method), 1.3 per cent. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a dilute extract of cassia, artificially colored, was mixed and packed as, for, and with the product so as to reduce, lower, and injuriously affect its quality and strength, and in that said substance was substituted for genuine cassia extract, which the article by its label purported to be; and further, in that the product being of inferior quality, was artificially colored in a manner whereby such inferiority was concealed, to wit, in a manner simulating the appearance of a genuine extract of cassia. Misbranding was alleged for the reason that the label and brand on the product bore a statement regarding it and the ingredients and substances contained therein which said statement, to wit, “Cassia Extract,” was false, misleading, and deceptive in that said statement conveyed the impression that the product was a genuine cassia extract conforming to the commercial standards therefor, to wit, containing no less than 2 per cent by volume of the oil of cassia, whereas, in fact, said product was a dilute extract of cassia containing only 1.3 per cent of the oil of cassia. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that said label was calculated and intended to convey the impression and create the belief in the mind of the purchaser thereof that it was a genuine cassia extract, whereas, in fact, it was a dilute extract of cassia deficient in the oil of cassia, and artificially colored.

(5) Of a quantity of vanilla extract which was adulterated and misbranded. The product was labeled: (Prominently) “Vanilla Extract.” (In very much smaller type) “Boston.” (On another part of the label) “A Compound of Vanilla Extract, Vanillin and Coumarin. The Cincinnati Extract Works, Manufacturers, Cincinnati, Ohio, U. S. A.”

An analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol (per cent by volume), 46.6; lead number, 0.045; vanillin, 0.29 per cent; coumarin, 0.096 per cent; resins, slight; caramel, present. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a compound of vanilla extract,

vanillin, and coumarin, artificially colored with caramel, was mixed and packed as, for, and with the product so as to reduce, lower, and injuriously affect its quality and strength, and in that said substance was substituted for genuine vanilla extract, which the product by its label purported to be; and further, in that the product, being of inferior quality, was artificially colored with caramel in a manner whereby such inferiority was concealed, to wit, in a manner simulating the appearance of a genuine vanilla extract. Misbranding was alleged for the reason that the label and brand of the product bore a statement regarding it and the ingredients and substances contained therein, which said statement, to wit, "Vanilla Extract," was false, misleading, and deceptive in that it conveyed the impression that the product was a genuine vanilla extract, whereas, in fact, it was a mixture of vanilla extract, vanillin, and coumarin, and artificial coloring matter, and the statement of its true character was made in type insufficient to correct the impression created by the words "Vanilla Extract," which were in prominent type. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that said label was calculated and intended to convey the impression and create the belief in the mind of the purchaser thereof that the product was a genuine vanilla extract, whereas, in fact, it was a mixture of vanilla extract, vanillin, and coumarin, artificially colored with caramel.

(6) Of a quantity of lemon extract which was adulterated and misbranded. The product was labeled: "Lemon Extract 'Bakers' Artificially Colored. The Cincinnati Extract Works Co., Manufacturing Chemists, Cincinnati, Ohio, U. S. A."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Color, artificial, naphthol yellow S; oil of lemon, 0.4 per cent; solids (grams per 100 cc), 0.14; citral (Chace), 0.16; citral (Hiltner), unable to read. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a highly dilute extract of lemon, artificially colored, was mixed and packed as, for, and with the product so as to reduce, lower, and injuriously affect its quality and strength, and in that said substance was substituted for genuine lemon extract which the product by its label purported to be; and further, in that the article, being of inferior quality, was artificially colored in a manner whereby such inferiority was concealed, to wit, in a manner simulating the appearance of genuine lemon extract. Misbranding was alleged for the reason that the label and brand on the product bore a statement regarding it and the ingredients and substances contained therein, which said statement, to wit, "Lemon Extract," was false, misleading, and deceptive in that it conveyed the

impression that the product was a genuine lemon extract conforming to the commercial standard therefor, to wit, containing not less than 5 per cent by volume of the oil of lemon, whereas, in fact, it was a highly dilute lemon extract containing only 0.4 per cent of the oil of lemon, and was artificially colored. Misbranding was alleged for the further reason that the product was labeled and branded so as to mislead and deceive the purchaser into the belief that it was a genuine lemon extract, whereas, in truth and in fact, it was a highly dilute lemon extract, deficient in the percentage of oil of lemon and artificially colored.

(7) Of a quantity of vanilla extract which was adulterated and misbranded. The product was labeled: (Prominently) "Vanilla Extract." (In very much smaller type) "Superior Ice Cream." (On another part of the label) "A Compound of Vanilla Extract, Vanillin and Coumarin." "The Cincinnati Extract Works, Manufacturers, Cincinnati, Ohio. U. S. A."

An analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following result: Alcohol, 51.00 per cent; lead number, 0.076; vanillin, 0.26 per cent; coumarin, 0.056 per cent; resins, slight; caramel, present. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a compound of vanilla extract, vanillin, and coumarin, artificially colored with caramel, was mixed and packed as, for, and with it so as to reduce, lower, and injuriously affect its quality and strength, and in that said substance was substituted for genuine vanilla extract, which the product by its label purported to be; and further, in that the product, being of inferior quality, was artificially colored with caramel in a manner whereby such inferiority was concealed, to wit, in a manner simulating the appearance of a genuine vanilla extract.

Misbranding was alleged for the reason that the label and brand on the product bore a statement regarding it and the ingredients and substances contained therein, which said statement, to wit, "Vanilla Extract," was false, misleading, and deceptive in that it conveyed the impression that the product was a genuine vanilla extract, whereas, in fact, it was a mixture of vanilla extract, vanillin, and coumarin, and artificial coloring matter, and the statement of its true character was made in type insufficient to correct the impression conveyed by the words "Vanilla Extract," which were in prominent type. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that said label was calculated and intended to create the impression and belief in the mind of the purchaser that the product was a genuine vanilla extract, whereas, in fact, it was a mixture of

vanilla extract, vanillin, and coumarin, artificially colored with caramel.

(8) Of a quantity of pistachio extract which was misbranded. The product was labeled: (In prominent type) "Pistachio Extract." (In much smaller type) "Artificial." "The Cincinnati Extract Works Co., Manufacturing Chemists. Cincinnati, Ohio. U. S. A."

An analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol (per cent by volume), 56.48; oil, 1.4 per cent; benzaldehyde, 2.7 per cent; hydrocyanic acid, negative; nitrobenzol, negative; color corresponds to mixture of light green S F and orange I. Misbranding of the the product was alleged in the information for the reason that the label and brand thereon bore a statement regarding the product and the ingredients and substances contained therein which said statement, to wit, "Pistachio Extract," was false, misleading, and deceptive, in that it conveyed the impression that the product was a genuine pistachio extract, whereas, in fact, it was an imitation pistachio extract, and its true character was not sufficiently explained by the word "Artificial" appearing on the label in very small type. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that the label was calculated and intended to create the belief and convey the impression in the mind of the purchaser thereof that the product was genuine pistachio extract, whereas, in fact, it was an imitation pistachio extract.

On November 16, 1912, the defendant entered a plea of nolo contendere to the information and the court imposed a fine of \$25 with costs of \$23.75.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 23, 1913.*